



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

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GROUP 3600

APPELLANTS: Tom Van Horn, et al.

APPLICATION NO.: 09/863,801

FILING DATE: May 22, 2001

TITLE: ATTAINING PRODUCT INVENTORY GROUPINGS FOR SALES IN A GROUP-BUYING ENVIRONMENT

EXAMINER: Elaine L. Gort

GROUP ART UNIT: 3627

ATTY. DKT. NO.: 22930-06067

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Dated: 9/15/04 By: Colleen V. Chien
Colleen V. Chien, Reg. No.: 55,062

MAIL STOP AF
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

NOTICE OF APPEAL

SIR:

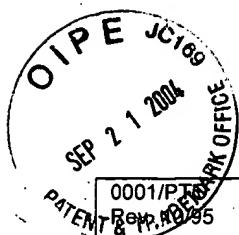
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner, mailed March 16, 2004, finally rejecting claims 1-9,12 and 21-36.

Pursuant to 37 CFR § 1.17(e), enclosed is payment in the amount of \$1,280.00 for the filing of the Notice of Appeal, plus 3-month extension.

Respectfully submitted,
Tom Van Horn, et al.

Dated: 9/15/04

By: Colleen V. Chien
Colleen V. Chien, Reg. No.: 55,062
Fenwick & West LLP
Silicon Valley Center
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Mountain View, CA 94041
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61 AF/3627
+ \$

PTO/SB/21 (modified)
Approved for use through xx/xx/xx, OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

| | | | | |
|--|---------------------|--|------------------------|----------------|
| TRANSMITTAL FORM <small>(to be used for all correspondence during pendency of filed application)</small> | 0001/PTO Rev. 09/95 | U.S. Department of Commerce Patent and Trademark Office | Application Number | 09/863,801 |
| | | | Filing Date | May 22, 2001 |
| | | | First Named Inventor | Tom Van Horn |
| | | | Group Art Unit Number | 3627 |
| | | | Examiner Name | ELAINE L. GORT |
| Total Number of Pages in This Submission | | 4 | Attorney Docket Number | 22930-06067 |

| ENCLOSURES (check all that apply) | |
|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Deposit Account Authorization | <input type="checkbox"/> Issue Fee Transmittal |
| <input checked="" type="checkbox"/> Return Receipt Postcard | <input type="checkbox"/> Letter to Chief Draftsperson |
| <input type="checkbox"/> Response to Notice to File Missing Parts | <input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) [] |
| <input type="checkbox"/> Copy of Notice to File Missing Parts | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Combined Declaration & Power of Attorney | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> Power of Attorney | <input type="checkbox"/> Certified Copy of Priority Document(s) |
| <input type="checkbox"/> Application Data Sheet | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Cited References | <input checked="" type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Request for Corrected Filing Receipt | <input type="checkbox"/> |
| <input type="checkbox"/> Request for Correction of Recorded Assignment | <input type="checkbox"/> |
| <input type="checkbox"/> Amendment/Response: [] Page(s) <input type="checkbox"/> After Final | <input type="checkbox"/> |
| <input type="checkbox"/> Status Request | <input type="checkbox"/> |
| <input type="checkbox"/> Revocation and Substitute Power of Attorney | <input type="checkbox"/> |

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GROUP 3600

REMARKS:

| SIGNATURE OF ATTORNEY OR AGENT | | | |
|--------------------------------|-----------------------------------|--------|--------------------|
| Signature: | <i>Colleen V. Chien</i> | | |
| Attorney/Reg. No.: | Colleen V. Chien, Reg. No. 55,062 | Dated: | September 15, 2004 |

| CERTIFICATE OF MAILING | | | |
|---|-------------------------|--------|--------------------|
| I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10. | | | |
| Signature: | <i>Colleen V. Chien</i> | | |
| Typed or Printed Name: | Colleen V. Chien | Dated: | September 15, 2004 |
| Express Mail Mailing Number (optional): | | | |



FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,280.00

Complete if Known

| | |
|----------------------|----------------------|
| Application Number | 09/863,801 |
| Filing Date | May 22, 2001 |
| First Named Inventor | Tom Van Horn, et al. |
| Examiner Name | Elaine L. Gort |
| Art Unit | 3627 |
| Attorney Docket No. | 22930-06067 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number 19-2555

Deposit Account Name Fenwick & West LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application.
☐ Charge fee(s) indicated below, except for the filing fee to the above-indicated deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Code | Fee (\$) | Code | Fee (\$) | | |
| 1001 | 770 | 2001 | 385 | Utility filing fee | |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | | | (\$) | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| | | (OR # Prev. Paid For) | Extra Claims | | Fee from below | | Fee Paid |
|-----------------------|--|------------------------------|-----------------|---|-------------------|---|----------|
| Total Claims | | -20**= | | X | | = | |
| Independent Claims | | -3**= | | X | | = | |
| Multiple Dependent | | | | | | = | |

| Large Entity | | Small Entity | | Fee Description |
|--------------|----------|--------------|----------|---|
| Code | Fee (\$) | Code | Fee (\$) | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid |
| 1204 | 86 | 2204 | 43 | **Reissue independent claims over original patent |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Code | Fee (\$) | Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | 950 |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | 330 |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(g) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

SUBTOTAL (3) (\$)

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SUBMITTED BY

| | | | | | |
|-------------------|------------------|-----------------------------------|--------------------|--------------------------|--------------------------|
| Name (Print/Type) | Colleen V. Chien | Registration No. (Attorney/Agent) | 55,062 | Complete (if applicable) | Telephone (415) 875-2319 |
| Signature | | Date | September 15, 2004 | | |

09/22/2004 WABDELRI 00000002 192555 09863801

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